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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NAVIGATORS SPECIALTY
INSURANCE COMPANY,

Plaintiff,

v.

DEPOMED, INC. n/k/a ASSERTIO
THERAPEUTICS, INC.,

Defendant.

Case No. 4:19-cv-00255-HSG

**JOINT ADMINISTRATIVE MOTION TO
AMEND SCHEDULING ORDER [DKT.
NO. 73]**

Judge: Hon. Haywood S. Gilliam, Jr.

1 Plaintiff Navigators Specialty Insurance Company (“Navigators” or “Plaintiff”) and
2 Defendant Depomed, Inc. n/k/a Assertio Therapeutics, Inc. (“Depomed” or “Defendant”)
3 respectfully submit this Joint Administrative Motion to Amend Scheduling Order [Dkt. No. 73].
4 On March 13, 2020, this Court entered an Order [Dkt. No. 73] pursuant to the parties’ Joint
5 Administrative Motion to Amend Scheduling Order [Dkt. No. 72] that amended the deadlines for
6 dispositive motion practice. The various travel restrictions and suspensions due to COVID-19
7 required the parties jointly move to amend the Scheduling Order [Dkt. No. 52] because, although
8 a number of party and third-party depositions had been taken, there remained three depositions to
9 be taken and each required travel by one or both parties, third-parties, and witnesses.

10 Since the entry of the March 13, 2020 order, the Center for Disease Control and Prevention
11 (“CDC”) reports that there are positive reported cases in all 50 States, the District of Columbus and
12 multiple U.S. Territories at this time.¹ To prevent further spread, federal, state and local
13 governments have imposed additional wide ranging restrictions on public gatherings, travel and
14 closure of certain businesses aimed at protecting public health and containing the spread of COVID-
15 19. The restrictions include state-wide school-closures and shelter-in-place orders in multiple
16 states, including Illinois, Minnesota and Pennsylvania, in which counsel and the three outstanding
17 deponents reside. Illinois and Pennsylvania’s shelter-in-place orders currently extend through
18 April 30, 2020. The Minnesota shelter-in-place order currently extends through May 4, 2020.

19 These newly imposed restrictions have prevented the parties from rescheduling and
20 conducting the three-outstanding depositions in-person within the time-frame contemplated by the
21 March 13, 2020 order. Because the parties would prefer to take depositions in-person, as opposed
22 to remotely, they seek to extend the current schedule 60-days in order to allow them to conduct
23 depositions in May and June, 2020. The parties recognize that the existing restrictions may be
24 extended and that it is presently unknown whether they will be loosened or lifted in sufficient time
25 to allow the parties to conduct in-person depositions even with a 60-day extension. Accordingly,

26
27 ¹ Coronavirus Disease 2019 (COVID-19), *Cases in U.S.*, (last visited April 10, 2020),
28 <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

1 the parties have further agreed that, if the restrictions stay in place and prevent in-person depositions
2 under an extended schedule, they will not seek a further extension but will proceed with remote
3 depositions, to be concluded by mid-to late-June, to accommodate the extended briefing schedule
4 proposed below.

5 The parties propose the following 60-day extension to the Scheduling Order:

- 6 • Depomed's Motion for Partial Summary Judgment on the Duty to Defend filed by
7 July 7, 2020.
- 8 • Navigators' Response to, and Cross-Motion for, Partial Summary Judgment on the
9 Duty to Defend filed by August 11, 2020.
- 10 • Depomed's Reply in Support of, and Response to Cross-Motion for, Partial
11 Summary Judgment on the Duty to Defend filed by September 8, 2020.
- 12 • Navigators Reply in Support of Cross-Motion for Partial Summary Judgment on the
13 Duty to Defend filed by September 29, 2020.

14 The parties do not request any adjustments to the discovery limits currently in place, and
15 will work to reschedule the remaining depositions as soon as it is feasible to do so. A Proposed
16 Scheduling Order is filed herewith. The parties are available for a conference regarding this Joint
17 Administrative Motion to Amend Scheduling Order [Dkt. No. 73], should the Court request it.
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Respectfully submitted,

Dated: April 13, 2020

HINKHOUSE WILLIAMS WALSH LLP

By: /s/ Colleen P. Sorensen
Colleen P. Sorensen

Attorney for Plaintiff
NAVIGATORS SPECIALTY INSURANCE
COMPANY

Dated: April 13, 2020

MASLON LLP

By: /s/ Margaret S. Brownell
Margaret S. Brownell

Attorney for Defendant
ASSERTIO THERAPEUTICS, INC.

ATTESTATION: The Filer attests that concurrence in the filing of this document has been
obtained from all signatories.

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Case No. 4:19-cv-00255-HSG

**[PROPOSED] ORDER REGARDING
JOINT ADMINISTRATIVE MOTION TO
AMEND SCHEDULING ORDER [DKT.
NO. 73]**

Judge: Hon. Haywood S. Gilliam, Jr.

Having reviewed the Joint Administrative Motion to Amend Scheduling Order [Dkt. No. 74] filed by the parties, the Court hereby GRANTS the parties' Stipulation and ORDERS as follows:

1. The Scheduling Order is amended and shall set the following deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

- Depomed's Motion for Partial Summary Judgment on the Duty to Defend filed by July 7, 2020.
- Navigators' Response to, and Cross-Motion for, Partial Summary Judgment on the Duty to Defend filed by August 11, 2020.
- Depomed's Reply in Support of, and Response to Cross-Motion for, Partial Summary Judgment on the Duty to Defend filed by September 8, 2020.
- Navigators Reply in Support of Cross-Motion for Partial Summary Judgment on the Duty to Defend filed by September 29, 2020.

2. Any terms in the Scheduling Order unaltered by this Order shall remain in effect.

IT IS SO ORDERED

Dated: 4/14/2020



Hon. Haywood S. Gilliam, Jr.

United States District Judge